In the High Court of Punjab and Haryana, Chandigarh

C.W.P. No. 13312 of 2006

Date of Decision: 13.11.2006

Dr. Rama Kant Attri

…Petitioner

Versus

State of Haryana and others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. R.N. Sharma, Advocate,
for the petitioner.

JUDGMENT

M.M. KUMAR, J. (Oral)

The petitioner has joined the service as Master in the Arya Senior Secondary School, Thanesar (Kurukshetra), which is a Government Aided recognised school. He attained the age of 58 years and superannuated according to Rule 8(1) of the Haryana Aided Schools (Special Pension and Contributory Provident Fund) Rules, 2001 (for brevity, 'the Rules'). He was allowed to work for further two years on the ground that he was exceptionally meritorious, under the provisions of clause (f) of Article 64 of Chapter 2 of Grand-in-Aid Rules as depicted in the Haryana Education Code. The issue raised by the learned counsel for the petitioner is that on account of extension given to him on year to year basis for a period of two years, the petitioner is entitled to superannuate at the age of 60 years despite the fact that Rule 8(1) of the Rules provide for superannuation at the

age of 58 years. It is admitted position that the petitioner, who had attained the age of 58 years on 30.11.1998 had exercised his option to be governed by the Rules because such an option was admissible by Rule 3(1)(b) of the Rules, which stipulates that the employees who have attained the age of superannuation on or after 11.5.1998 were entitled to exercise option. Accordingly, option has been exercised by the petitioner and he has been granted pension by considering that he retired on 30.11.1998 when he attained the age of 58 years.

We find no merit in this petition as there is no rule which provides for grant of pension on attaining the age beyond 58 years, to the extent of extension granted by the respondents on the basis of meritorious record. The petitioner has only been permitted to work for two years and to draw salary for that period. It is made clear that the Contributory Provident Fund, which has been deducted for the aforementioned period of two years, would not confer any right on the petitioner to seek superannuation at the age of 60 years and he shall be entitled to file an appropriation representation to the respondents for refund of the deducted amount of Contributory Provident Fund. Accordingly, the writ petition fails and the same is dismissed.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)

November 13, 2006 **JUDGE**

Pkapoor